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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,146	08/21/2001	William R. Stuchlik	TDCI 4347.5	7703

27128 7590 10/08/2003

BLACKWELL SANDERS PEPER MARTIN LLP  
720 OLIVE STREET  
SUITE 2400  
ST. LOUIS, MO 63101

EXAMINER

BALSIS, SHAY L

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 10/08/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/934,146

Applicant(s)

STUCHLIK, WILLIAM R.

Examiner

Shay L Balsis

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-10 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 13 is/are rejected.
- 7) ☒ Claim(s) 11 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Response to Amendment*

1. The amendment to the specification filed on 8/20/03 was not entered because amendment stated, "Please replace paragraph [0052] with the following amended paragraph." However, the original specification did not use paragraph numbers but instead used page and line numbers. Therefore, since the old specification and the new replacement specification do not match up, it was not entered. Applicant is asked to correct this issue in the next office action.

### *Specification*

2. The disclosure is objected to because of the following informalities:

Page 14, line 17 states "the directional switch 117" however, it was previously disclosed as reference number 227.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Knowlton et al. "*Knowlton*" (USPN 5742975).

Knowlton discloses a wheeled floor cleaning vehicle (30) comprising a lift unit (210) capable of up and down movement. There is a floor surface treating unit (44) that is carried by the lift unit having an elongate head. The head is in pivotal connection with the lift unit for

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rotation of the head to different angular positions. There is a locking mechanism that releasably locks the head in a selected angular position until the head encounters an obstacle. The pivotal connection comprises a pivot assembly extending up through a pivot opening in the head and through an opening in the lift unit, wherein the openings are coaxially aligned. The pivot assembly is secured to the lift unit against outward movement and also having a support member for supporting the floor surface treating unit upon upward movement of the lift unit. The head is thereby removably connected to the lift unit by the pivot assembly. The pivot assembly comprises a roller bearing or bushing that helps to facilitate rotation of the head relative to the lift unit (col. 9, lines 18-44 and figures 11A and 11B). There are a pair of brushes on the floor surface treating unit that are radially in a radially spaced relationship with the pivot axis and at least one motor (184) is connected to at least one of the brushes.

5. Claims 1 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Thatcher et al. "*Thatcher*" (USPN 6023813).

Thatcher discloses a wheeled floor cleaning vehicle (101, 102a) comprising a lift unit (208, 209) capable of up and down movement (col. 7, lines 3-9). There is a floor surface treating unit (106, 107) that is carried by the lift unit having an elongate head. The head is in pivotal connection with the lift unit for rotation of the head to different angular positions (col. 8, lines 40-48). There is a locking mechanism that releasably locks the head in a selected angular position until activated by the pivot actuator. There are a pair of brushes on the floor surface treating unit that are radially in a radially spaced relationship with the pivot axis and at least one motor (125) is connected to at least one of the brushes.

***Allowable Subject Matter***

6. Claims 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 5-10 are allowed for reasons as stated in previous office action.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 11 states the limitation that the head has openings that correspond to different angular positions. There is a locking mechanism comprising a pin that is received in the openings to lock the head in those angular positions. The prior art fails to teach a locking mechanism comprising pins and openings to adjust the angular position of the head nor would it have been obvious to modify the prior art to obtain the invention as claimed in claims 11 and 12.

***Response to Arguments***

7. Applicant's arguments, see paper number 8, filed 8/20/03, with respect to the rejection(s) of claim(s) 1-4 and 11-13 under 102(b) have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art. See the above rejections.

***Conclusion***

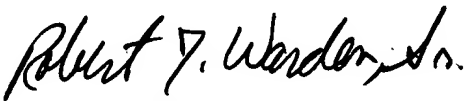
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 703-305-7275. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 703-308-2920. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5665.

Slb  
9/30/03

  
ROBERT J. WARDEN, SR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700